

REMARKS

This paper is responsive to the Final Office Action dated July 18, 2007. A Request for Continued Examination (RCE) is filed herewith. All rejections and objections of the Examiner are respectfully traversed. Reconsideration and further examination are respectfully requested.

At paragraph 2 of the Office Action, the Examiner rejected claim 32 for non-statutory subject matter under 35 U.S.C. 101. Claim 32 has been canceled herein.

The amendments herein have re-written dependent claims 4, 14 and 24 in independent form, and have amended independent claim 31 to include the features of these claims. Independent claims 1, 11 and 21 have also been canceled. The remaining claims have been made dependent on now independent claims 4, 14 and 24.

At paragraph 7 of the Office Action, the Examiner rejected dependent claims 4, 8, 14, 18, 24 and 28 for obviousness under 35 U.S.C. 103, citing United States published patent application 2005/00554505 of Kaminsky et al. ("Kaminsky et al."). Applicants respectfully traverse these rejections, submitting that Kaminsky et al. should be disqualified as prior art under 35 U.S.C. 103(c).

Statement of Common Ownership

Kaminski et al. was filed on September 4, 2003, and published March 10, 2005. Since the present application was filed January 22, 2004, Kaminsky et al. qualifies as prior art only under subsection 35 U.S.C. 102(e). In accordance with 35 U.S.C. 103(c), prior art used in rejections under 35 U.S.C. 103(c) may be disqualified if it qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 35 U.S.C. 102, and where the prior art and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person. In the present case, Applicants hereby

assert that Kaminsky et al. and the subject matter of the present application were both 100% commonly owned by International Business Machines Corporation at the time the present invention was made, as evidenced by the Kaminsky et al. assignee reference, and by Applicants Assignment recorded on January 22, 2004 at Reel 014931, Frame 0209. Applicants therefore respectfully request that Kaminsky et al. be disqualified as prior art to Applicant's invention for purposes of 35 U.S.C. 103.

For the above reasons, Applicants respectfully urge that the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. 103, and respectfully request that the rejections under 35 U.S.C. 103 citing Kaminsky et al. be withdrawn.

Reconsideration of all remaining claims is respectfully requested.

Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Applicants' Attorney at the number listed below so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date

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